

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD LOOS,

Plaintiff,

Index No. 07-CV-6723
(PKL)

-against-

COMFORT INNS, INC. CHOICE HOTELS
REQUESTS INTERNATIONAL, INC., RONDAVEL
MANAGEMENT CORPORATION, PALISDADES
LODGING CORPORATION TRADING AS
COMFORT INN, COMFORT INN NANUET,
IGNACIO RANGEL, AUDITORS EXPRESS and
JOHN VANHOUTEN

Defendants.

RESPONSE TO FIRST SET
OF THIRD PARTY
DEFENDANT WEISS'
REQUEST FOR
INTERROGATORIES

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COMFORT INNS, INC. and CHOICE HOTELS,
INTERNATIONAL, INC.,

Third-Party Plaintiff,

-against-

KENNETH WEISS and RONDAVEL MANAGEMENT
CORPORATION,

Third-Party Defendants.

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PALISADES LODGING CORPORATION, trading as
COMFORT INN and improperly sued herein as
COMFORT INNS, INC. and RONDAVEL
MANAGEMENT CORPORATION,

Fourth-Party Plaintiffs,

-against-

AUDITORS EXPRESS and JOHN VANHOUTEN,

Fourth-Party Defendants.

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The Plaintiff, RICHARD LOOS, by his attorney, LAW OFFICES OF ELIOT F. BLOOM, ESQ., as and for his response to the demand of the third-party Defendant, KENNETH WEISS, for interrogatory responses, alleges:

INTERROGATORY RESPONSES

RESPONSES TO INTERROGATORIES NO. 1:

Age: 56 years of age
Social Security Number: [REDACTED]
Date of Birth: [REDACTED]
Current Residence: 21596, Casa Monte Court, Boca Raton, FL 33433.

RESPONSES TO INTERROGATORIES NO. 1A:

The Plaintiff is not know by any other name.

RESPONSES TO INTERROGATORIES NO. 2:

The incident occurred on June 15, 2007, at 1:30 am.

RESPONSES TO INTERROGATORIES NO. 3:

Not applicable.

RESPONSES TO INTERROGATORIES NO. 4:

The Plaintiff has not instituted any claims against Defendant Kenneth Weiss.

RESPONSES TO INTERROGATORIES NO. 5:

See "RESPONSES TO INTERROGATORIES NO.4" above.

RESPONSES TO INTERROGATORIES NO. 6:

This is a legal determination that will be made by the Court based upon applicable law in the State of New York and Federal Statutes and Laws.

RESPONSES TO INTERROGATORIES NO. 7:

The Plaintiff suffered a laceration under his left eye requiring six (6) stitches to close; concussion; injury to left knee; elbow trauma; back injury; and impaired vision in left eye. The Plaintiff continues to suffer impaired vision, limitation to his back, knee limitations and pain, and permanent scarring.

RESPONSES TO INTERROGATORIES NO. 8:

The Plaintiff was not confined to Hospital except for seven hours on the date of the incident; he was not confined to home or bed.

Nyack Hospital,
160 North Midland Avenue,
Nyack, NY 10960

Boca Raton Medical Group
1001 NW 13st, Suite 101
Boca Raton, FL 33486

Boca Raton Orthopedic Group
9407 Glades Rd.
Boca Raton, FL 33434

Boca Raton Orthopedic Group
660 Glades Rd., Suite 460
Boca Raton, FL 33431

Blue Cross Blue Shield of MN
PO Box 64338
St. Paul, MN 55164

RESPONSES TO INTERROGATORIES NO. 9:

The Plaintiff does not claim disability from his occupation or lost earnings.

RESPONSES TO INTERROGATORIES NO. 10:

Not applicable.

RESPONSES TO INTERROGATORIES NO. 11:

The Plaintiff has incurred the following expenses to date:

Hospital fees: \$4,138.00

Medial bills: \$988.00

RESPONSES TO INTERROGATORIES NO. 12:

The Plaintiff does not claim aggravation or exacerbation of a pre-existing injury.

RESPONSES TO INTERROGATORIES NO. 13:

Not applicable.

RESPONSES TO INTERROGATORIES NO. 14:

Not applicable.

RESPONSES TO INTERROGATORIES NO. 15:

As a result of Defendant's assault upon Plaintiff, Plaintiff has sustained permanent scarring on his face and around his left eye.

RESPONSES TO INTERROGATORIES NO. 16:

Not applicable.

RESPONSES TO INTERROGATORIES NO. 17:

Not applicable.

RESPONSES TO INTERROGATORIES NO. 18:

Not applicable.

RESPONSES TO INTERROGATORIES NO. 19:

Not applicable.

RESPONSES TO INTERROGATORIES NO. 20:

As a result of Defendant's assault upon Plaintiff, Plaintiff continues to suffer impaired vision, as well as limitation to his back and knee.

RESPONSES TO INTERROGATORIES NO. 21:

Not applicable.

RESPONSES TO INTERROGATORIES NO. 22:

In regard to Defendants Comfort, Choice, Rondavel, Palisades, Nanuet, Rangel and Auditors, the aforementioned occurrence was due to the negligence, carelessness and recklessness of Defendants, their agents, employees and representatives, including VanHouten, without any negligence on the part of the Plaintiff contributing thereto, in that Defendants Comfort, Choice, Rondavel, Palisades, Nanuet, Rangel and Auditors, their agents, employees and representatives, including VanHouten, failed to maintain the premises in a reasonably safe condition; that Defendants negligently provided Defendant Kenneth Weiss, a third-person non-hotel guest, with a key to the room in which the Plaintiff was lawfully staying; that the Defendants failed to protect the Plaintiff; that the Defendants failed to take minimal security precautions to prevent against foreseeable criminal acts; that the Defendants caused the condition herein; that Defendants their agents, employees and representatives, including VanHouten, breached their duty to the Plaintiff, which included taking minimal precautions to protect its guest from intentional and criminal conduct; that the Defendants created a condition that caused a likelihood of conduct on the part of a third person, which was likely to endanger the safety of the Plaintiff and to place the Plaintiff in a vulnerable position, in that the Defendants employee and employees failed to exercise due care in the performance of their assigned responsibilities thus creating the condition herein; that the Defendants undertook to provide a service, and to maintain security for its guests in rooms with locks and keys and then provided that service negligently, and that the Defendants were otherwise negligent

in the premises.

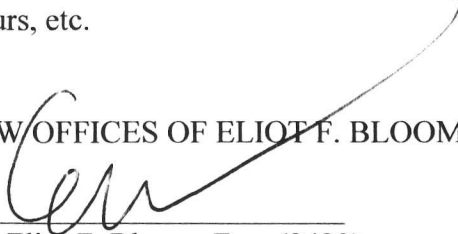
PLEASE TAKE NOTICE that Plaintiff reserves the right to amend and/or supplement the preceding interrogatories.

Dated: Mineola, New York

September 4, 2008

Yours, etc.

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